

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

ROBERT CHEN,

Plaintiff,

v.

DAVID CHEN

Defendant.

Case No. 2:24-cv-00198-ABJ

**PLAINTIFF'S MOTION TO STAY DEADLINES TO PERMIT PLAINTIFF TO FILE  
AN AMENDED COMPLAINT**

Plaintiff Robert Chen respectfully moves this Court for a stay of deadlines because Plaintiff intends to file a Motion for Leave to File an Amended Complaint, and, should the Court grant that motion, the Amended Complaint will make the upcoming briefing on the Motion to Transfer, the scheduled hearing on the Motion to Transfer, and the Answer to the first complaint unnecessary.

**CERTIFICATE OF APPROVAL**

The Parties have conferred on this issue pursuant to Local Rule 37.1(b). On November 22, 2024, Plaintiff's counsel emailed Defendant's counsel to explain the basis for this Motion, as described above, and to determine whether Defendant would consent to Plaintiff's proposed Stay. Defendant's counsel indicated that Defendant does not consent to the Motion.

**ARGUMENT**

Specifically, Plaintiff respectfully requests a stay of (1) the November 26, 2024 deadline for Plaintiff's Opposition to Defendant's Motion to Transfer (ECF No. 8); (2) Defendant's November 26, 2024 deadline to file an Answer; (3) the scheduled December 4, 2024 hearing on Defendant's Motion to Transfer; and (4) the December 2, 2024 deadline for Plaintiff's Opposition

to Defendant's Second Motion to Stay Answer Deadline (ECF No. 12), pending the filing of an Amended Complaint.

The case has proceeded as follows:

1. Plaintiff filed the Complaint in this case on September 30, 2024.
2. On November 12, 2024, Defendant David Chen filed a Motion to Stay Answer Deadline (ECF 6) and a Motion to Transfer the Case (ECF 8).
3. On November 12, 2024, by Minute Order, the Court granted Defendant's Unopposed Motion for Extension of Deadline to Respond and ordered the Defendant's deadline to respond be extended to November 26, 2024.
4. On November 15, 2024, the Court denied Defendants' Motion to Stay Answer Deadline. ECF 11.
5. On November 18, 2024, Defendant filed a Second Motion to Stay Answer Deadline. ECF 12.
6. On November 21, 2024, the Court set the Motion to Transfer for Hearing on December 4, 2024 at 10:30AM. ECF 13.

Plaintiff plans to file an Amended Complaint and will be filing a Motion for Leave to File an Amended Complaint within the next two weeks. In the interest of judicial economy, Plaintiff respectfully requests the Court to stay the opposition deadline and scheduled hearing on Defendant's Motion to Transfer, which concerns a Complaint (ECF No. 1) which Plaintiff intends to amend. Because an Amended Complaint will also re-set Defendant's time to file an Answer and moot Defendant's Second Motion to Stay Answer Deadline, judicial economy will also be served by a stay of Defendant's deadline to file an Answer and of Defendant's Second Motion to Stay.

### CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Court stay (1) the November 26, 2024 deadline for Plaintiff's Opposition to Defendant's Motion to Transfer (ECF No. 8); (2) Defendant's November 26, 2024 deadline to file an Answer; (3) the scheduled December 4, 2024 hearing on Defendant's Motion to Transfer; and (4) the December 2, 2024 deadline for Plaintiff's Opposition to Defendant's Second Motion to Stay Answer Deadline (ECF No. 12), pending the filing of an Amended Complaint.

Dated: November 22, 2024

Respectfully submitted,

/s/Amy M. Iberlin  
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*Counsel for Plaintiff Robert Chen*

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a true and correct copy of the foregoing was served on the 22<sup>nd</sup> day of November 2024, to the following:

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☒ CM/ECF  
☐ U.S. Mail (Postage Prepaid)  
☐ Fax  
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*Attorney for Defendant*

/s/Amy M. Iberlin

Amy M. Iberlin